United States District Court
Northern District of New York

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
NOV 1 9 2004
LAWRENCE K. BAERMAN, CLERK
ALBANY

United States of America

V.

Jin Rong Cheng
Defendant

ORDER SETTING CONDITIONS OF RELEASE

Case Number : 1:04 CR 544-002

IT IS ORDERED that the release of the defendant is subject to the following conditions:

(1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

(2) The defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified)

________________ on ________________.
place date and time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

(✔) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

( ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of ________________ dollars ($________________) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:
(Name of person or organization):________________
(Address):________________
(City and state):________________ (Tel. No.)________________

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed:________________ ________________
Custodian or Proxy Date

Additional Conditions of Release (continued) Jin Cheng

(X) (7) The defendant shall:

(X) (a) Report to the Pretrial Services within 24 hours of release, telephone number (518) 257-1700, and as directed thereafter. The defendant shall allow a probation officer to visit at anytime at the defendant's home or elsewhere.

(X) (b) Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property **$500,000 secured by cash or property**

( ) (c) Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described: ______

( ) (d) Execute a bail bond with solvent securities in the amount of $ ______

( ) (e) Maintain or actively seek employment.

(X) (f) Maintain or commence an educational program.

(X) (g) Surrender any passport to: **The Clerk Of the Court**.

(X) (h) Obtain no passport.

(X) (I) Restrict travel to the Northern District of New York unless approved by Pretrial Services or the Court.

(X) (j) Remain at an approved address as approved by Pretrial Services or the Court.

(X) (k) Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services or the Court, **except your husband, Kun Fuk Cheng.**.

(X) (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to : ______

( ) (m) Submit to a mental health evaluation and/or treatment as approved by Pretrial Services or the Court. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.

( ) (n) Return to custody each (week)day as of after being released each (week)day as of for employment, schooling, or the following limited purpose(s): ______

( ) (o) Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services or the Court.

(X) (p) Refrain from possessing a firearm, destructive device, or other dangerous weapon.

( ) (q) Refrain from( ) any ( ) excessive use of alcohol.

( ) (r) Refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner.

( ) (s) Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, and/or a remote alcohol testing system.

( ) (t) Participate in a program of inpatient or outpatient substance abuse therapy and counseling approved by Pretrial Services or the Court. The defendant shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or availability of third party payments.

( ) (u) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

( ) (v) Participate in one of the following home confinement program components and abide by all the requirements of the program which( ) will or ( ) will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program as determined by the probation officer based upon ability to pay.

( ) (w) ( )**Curfew.** The defendant is restricted to the defendant's residence every day( ) from ______ to ______ or ( ) as directed by Pretrial Service or the Court.

( ) (x) ( )**Home Detention.** The defendant is restricted to the defendant's residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services or the Court.

( ) (y) ( )**Home Incarceration.** The defendant is restricted to the defendant's residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by Pretrial Services or the Court.

(X) (z) Report within 72 hours, to Pretrial Services or the Court any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

( ) ______

( ) ______

Jin Cheng

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment and a $250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a $250,000 fine or both to tamper with a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliating and intimidation are significantly more serious if the involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than $250,000 or imprisoned for not more than 10 years, or both;
(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than $250,000 or imprisoned for not more than five years, or both;
(3) any other felony, you shall be fined not more than $250,000 or imprisoned for not more than two years, or both;
(4) a misdemeanor, you shall be fined not more than $100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

x [signature]
Signature of Defendant

1881 Central Avenue
Address

Albany, NY 12205
City and State　　Telephone

Directions to United States Marshal

(✓) The defendant is ORDERED released after processing.

(   ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: November 19, 2004

[signature]
Randolph F. Treece
U.S. Magistrate Judge

rev. (11/2002)